

Save Collingwood Beach

PO BOX 21
VINCENTIA 2540

Submission to Shoalhaven City Council's Collingwood Beach Dune Vegetation Management Plan

Russ Pigg,
General Manager,
Shoalhaven City Council,
18th October 2016.

Dear Mr Pigg,

'Save Collingwood Beach' is a group of organisations concerned about the well-being and resilience of Collingwood Beach on the shore of Vincentia, Jervis Bay. These include Jervis Bay Regional Alliance (JBRA), an environmental advocacy group covering the coast from Culburra Beach to Sussex Inlet and the catchments and ecosystems of Lake Wollumboola, Jervis Bay and St Georges Basin. The JBRA's charter includes advocacy for environmental, social and cultural heritage, as well as visual quality of the coast. Sound planning decisions at all levels of government are key areas of concern for our group. Also, Vincentia Matters, an organisation dedicated to research and advocacy for Vincentia residents and their local environs and BirdLife Shoalhaven, a local branch of the BirdLife Australia organisation.

Save Collingwood Beach (SCB) does not support either of the exhibited Collingwood Beach dune vegetation management plans and urges Shoalhaven City Council (SCC) to:

- 1. Withdraw these flawed proposals;**
- 2. Develop a vegetation vandalism policy as has occurred in many other coastal councils in order to ensure that SCC has maximum ability to deal with episodes of vandalism in future on Collingwood Beach and elsewhere;**
- 3. Plant *Eucalyptus botryoides* along the foredune to increase dune stability, to reduce vigour of understorey species in the long term and to restore the canopy lost in the original dune clearing;**
- 4. Continue maintenance of the reserve by Vincentia Bushcare in accordance with Council Bushcare policy.**

SCB believes that the current management framework around Jervis Bay, where predominant filtered views are punctuated with viewing points and rest areas, strikes the right balance between vegetation and views and Collingwood Beach should not be managed any differently. Jervis Bay is a national treasure and has gained international renown¹ for natural beauty under the current management framework. Ongoing vandalism at Collingwood Beach is a stain on our national and international reputation and should not be appeased as is being proposed.

SCB rejects the assertion by SCC that the 'Dune Vegetation Management Plan for the Collingwood Beach dunes aims to primarily address the objectives developed by the Reference Group' as stated in the consultation documents. This is a clear misrepresentation of the Reference Groups recommendations as demonstrated below:

- The dune vegetation needs to be diversified by natural seeding and planting of local native species to support a healthy and resilient dune system;
 - *These proposals would remove seedlings of native species and reduce the resilience of the dune by removing taller, deeper-rooted vegetation which is important in intercepting wind-blown sand and stabilising the dune. However, we do support the planting of *Eucalyptus botryoides* as outlined above.*
- The dune vegetation needs to provide a wedge effect to ensure the retention of sand on the beach and to protect assets (public and private) located at the back of the dune;
 - *The removal of taller vegetation will reduce the interception of wind-blown sand. This interception is important in replenishing the beach² and in protecting public and private assets landward of the beach.*

¹<https://www.theguardian.com/travel/2016/feb/13/beach-spectacular-exotic-holiday-wow-factor>

²<http://www.environment.nsw.gov.au/resources/coasts/coastal-dune-mngt-manual.pdf>

Signs along Collingwood Beach, erected by SCC, detail the importance of dune vegetation in the context of storms in 1974 that eroded the dune and buried gardens and houses.

3. The dune management needs to be managed in a way that maximises filtered views at appropriate locations;
 - *These plans are designed to maximise unfiltered views as becomes immediately clear after walking the cycleway and looking at SCC's signage: zone 5 comprises the majority of the area, and a particularly egregious example of why this proposal has nothing to do with filtered views is the proposal to implement zone 5 at Illfracombe Avenue where currently there are many medium-sized Banksia (2-6m) that would be removed.*
4. The dune vegetation provides from the walkway and from the beach a range of experience, with filtered views, thickets, healthy vegetation, tall occasional shade trees;
 - *These proposals skew the range of experiences dramatically towards unfiltered views and will further contribute to the current experience of lopped, unhealthy vegetation. From the beach and ocean the proposals will be exclusively negative as there is no aesthetic benefit from having imposing houses looming over beach users, and this will spoil the views from the ocean where the impression of the shore is one of natural vegetation.*
5. The dune vegetation needs to be managed and maintained in a sustainable way, meaning it will need to be legally, financially and environmentally acceptable for present and future generations;
 - *SCB has serious doubts over whether these proposals are legal as they don't appear consistent with the Coastal Management Act 2016 that prioritises the adoptions of 'coastal management strategies to recognise in the first instance the importance to reduction of exposure to coastal hazards of restoring or enhancing natural defences including coastal dunes, vegetation, wetlands'. SCB does not believe that this is financially sustainable either, and believes that asking ratepayers to pay for vegetation removal on public land that will then increase the liability of ratepayers to future asset damage (see later) is perverse and irresponsible.*

We note previous attempts to 'astroturf' debate during the Vincentia 2025 community consultation exercise. Our understanding is that multiple submissions were sent from different email addresses but from the same IP address (i.e. the same computer). We urge SCC to be vigilant against this occurring during this consultation by analysing the IP addresses of respondents to verify that any instances of multiple submissions coming from the same IP address are valid.

We have elaborated further on other issues of concern relevant to the proposed vegetation management plans.

1. The plan is an example of poor leadership

The issues at Collingwood Beach have been allowed to fester over a long period of time and SCC has allowed itself to be bullied into appeasing those who behave antisocially.

Both Joanna Gash and Greg Watson are on the public record on the importance of this vegetation. In 2013, when mayor, Joanna Gash stated³: "This disgusting and thoughtless act of vandalism could put properties at risk of storm erosion as has occurred in the past. It will also have ongoing negative effects on the local ecosystem and dune stability while seriously harming the area's natural beauty."

As far back as 2005, then mayor Greg Watson stated⁴: "Particularly out along Collingwood Beach at Vincentia there was a lot of vandalism that took place there in terms of the foreshore vegetation. I guess people don't realise why we put it there to start with. The reason that we establish the plantings on the dune system there was to establish a foredune to, in fact, protect the houses."

We recognise that these plans were introduced by the previous council and SCB urges the new council to reverse previous poor leadership and to stand up to bullying tactics that show disdain for the norms of society.

2. The outcome of community consultation should not be pre-ordained

³<http://www.southcoastregister.com.au/story/1540627/novel-approach-to-deterring-beach-vegetation-vandalism/>

⁴<http://www.abc.net.au/news/2005-06-30/new-policy-to-address-environmental-vandalism/2048292>

SCC's decision to exhibit an even more extreme vegetation management plan (that of the Collingwood Beach Preservation Group) alongside their own plan is disingenuous and favours intervention regardless of community feeling. SCC has previously stated to SCB that doing nothing is not an option and had at that point apparently come to a decision to undertake vegetation works regardless of feedback. This is not how community consultation should occur, and we hope that the new council will reconsider and undertake genuine consultation in future. In addition, SCC has chosen not to also exhibit the compromise strategy developed by the Collingwood Beach Reference Group, the recommendations of which were accepted by SCC, nor a 'do nothing but compliance' option. This demonstrates a clear bias in the consultation process.

3. This sets a dangerous precedent for other foreshore areas in the Shoalhaven

SCC is sending a message that vandalism of public property will be tolerated, and even rewarded. This threatens not only other foreshore reserves where adjacent landholders also perceive a right to vandalise public land, but all of the mature trees on public land that make Shoalhaven communities so visually attractive and liveable. The prevailing management principle around Jervis Bay, filtered ocean views with periodic viewpoints and rest areas, strikes the right balance between views and vegetation and should apply to Collingwood Beach.

4. The proposals reward persistent vandalism

Those that have chosen to persistently and illegally poison and lop native vegetation on public land should be not be rewarded. SCC proposes to legitimise the vandalism by removing all of the skeletons of dead trees, removing the tree vandalism signs and lopping vegetation to between 1 and 1.5m across 50% of the Crown Reserve north of Susan Street. This is a major backflip by SCC who, in 2015, prosecuted a foreshore owner in the Land and Environment Court citing environmental harm for lopping *Banksia* which cost the perpetrator an \$8000 fine. Where vandalism like this has occurred in other areas of coastal NSW local councils have developed and implemented tree vandalism policies—not rewarded the vandals as these plans propose.

Clause 5.9.3 of the Shoalhaven LEP 2014 states that 'A person must not ringbark, cut down, top, lop, remove, injure or willfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by (a) development consent or (b) a permit granted by the council.' This has clearly been violated repeatedly by the poisoning of foreshore vegetation and we contend Council's proposed plan, which rewards this illegal behaviour, is contrary to its own policy.

5. This episode is a stain on the Shoalhaven's image

As Joanna Gash noted, the vandalism has harmed the natural beauty of Jervis Bay. However, it has also reflected badly on locals as tourists witnesses progressively more vandalism, and it makes a mockery of the 'Experience Unspoilt' tourism message which is another example of SCC acting inconsistently with its own policies. Brushing the problem under the carpet by legitimising the vandalism will not resolve the issue because it will occur elsewhere as a result of SCC's tolerance and legitimisation of vandalism.

6. Crown Land is public land and therefore should be managed in the public interest

The vandalism that has occurred has been on public land. Private landholders do not have a right to treat common land like their own property, and you cannot buy a view. Views change over time as vegetation grows and dies through natural processes. Taller vegetation like *Banksia* is important in reducing wind speeds and providing shade which makes walking and cycling more pleasant for the public. Tall vegetation is also important in intercepting wind-blown sand: this not only protects the public and private assets adjacent to the beach, but it replenishes the beach and reverses erosion⁵.

The recent Parliamentary Inquiry into Crown Land in NSW⁶ raised some concerns with council management of Crown Lands, and heard evidence on the subject of Collingwood Beach in both the Nowra and Sydney hearings—including from the Jervis Bay Regional Alliance and Save Collingwood Beach. In section 2.83, the Committee commented that: "while there are many very capable local councils that will protect land transferred to them as Local land, there are a minority of councils that are not as capable or community orientated. Given this, there is inadequate existing or proposed protections to ensure Crown land that is transferred to local councils will be protected in the public

⁵<http://www.environment.nsw.gov.au/resources/coasts/coastal-dune-mngt-manual.pdf>

⁶<https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6079/161013%20Final%20Report.pdf>

interest". This led to a recommendation that: "the NSW Government consider additional legislative protections to ensure Local land is retained as public land and managed in the public interest".

Although this point was made relevant to land that may be transferred in future the key point, that Crown Land should be protected for the public interest, is pertinent to Collingwood Beach. We assert that the proposed vegetation management plans are not in the public interest (see sections 7 to 11) and therefore that implementing them is in direct contradiction to the findings of the Parliamentary Inquiry. In addition, should the findings of the Inquiry be implemented by the NSW government, it seems likely that additional legislation will apply to the management of Collingwood Beach which would potential render these plans unlawful.

7. The Precautionary Principle should prevail

We have witnessed severe storm damage following extreme weather—most notably at Collaroy Beach in Sydney and just recently in South Australia with the highest wind speeds ever recorded in that state wreaking havoc. Climate change predictions are that extreme weather events will become more frequent and the intensity of storms is likely to increase. In this context maximising the ability of nature to help minimise damage to communities by retaining tall, deep-rooted foredune vegetation is a logical precaution. The development of an education drive that highlights the importance of intact native vegetation against storm damage would help to shift attitudes in the longer term. However we note that the presence of this information currently available along the cycle track has not accomplished this outcome for a minority of foreshore owners and a more concerted effort will be necessary.

8. The proposals are contrary to SCC policies

Management in accordance with evidence-based policy is vital to ensure that transparency and fairness guide decision making. The proposed plan is not in accordance with SCC's Tree Management Policy (TMP)⁷ as the stated purposes of the TMP do not include reference to ocean views. The policy 'recognises the value of trees for the provision of visual amenity, shade, fauna habitat, soil stability, erosion protection *etc*'. Similarly, provision of ocean views are not listed as reasonable grounds for tree works in Table 1 of the TMP. The proposal is also inconsistent with the objectives of Council's Foreshore Reserves Policy in regards the identified purpose of Protection (buffer) zones; the stated preference by Council for approved remediation of foreshore buffer zones that have been maliciously damaged by an identified person(s) prior to the use of available legal provisions and the stated commitment of Council to combat the wilful destruction of vegetation on public land.

9. The plans ignore expert advice

Collingwood Beach is known to be at particularly high risk of erosion. It is recognised by the NSW Office of Environment and Heritage as potentially meeting the criteria for inclusion as Authorised Locations as per the 'Code of Practice under the Coastal Protection Act 1979'.

As part of the development of SCC's Coastal Zone Management Plan, a Royal Haskoning DHV identified serious threats to the Zone of Reduced Foundational Capacity that will potentially affect the stability of private property and public assets adjacent to Collingwood Beach. Currently, 29 residential properties are located in the immediate coastal erosion risk area (57% of properties in the central precinct), 46 residences may be at risk in 2050, and 55 by 2100. This is in addition to public assets such as sewage works, water infrastructure, roads and the cycle path—estimated at a value of \$4.5 million by 2100. The Coastal Zone Management Plan estimates that alternative protective seawalls for Collingwood Beach could be required at a cost of \$18.1 million (2013 dollars).

NGH Environmental, who wrote the initial plan for Collingwood Beach that involved lopping vegetation to 1.5m—already much too low for large trees and rejected by SCB as being too skewed towards vegetation removal—have since asked for their logo to be removed from the exhibited plans. This is because the decision by SCC to further lower the height of vegetation to one metre "could further reduce tree root penetration, resulting in less dune stability. In this case, the zone becomes more susceptible to extreme weather conditions that could result in adverse impacts to private and public assets as well as the ecological values of the reserve"⁸.

The Office of Environment and Heritage (OEH) believes the works would be in contradiction of the objectives of the New Coastal Management Bill 2016 and the Coastal Dune Management Manual (2001)⁹. OEH also advised that "the

⁷<http://doc.shoalhaven.nsw.gov.au/displaydoc.aspx?record=POL14/58>

⁸<http://www.southcoastregister.com.au/story/4029363/consultants-reject-one-metre-dune-prune/>

⁹<http://www.environment.nsw.gov.au/resources/coasts/coastal-dune-mngt-manual.pdf>

clearing and/or pruning of dune vegetation would likely increase the risk of both coastal erosion and coastal inundation from overtopping, thereby exposing private properties to greater risk from these hazards’ and the ‘pruning of mature vegetation to low heights, as proposed, could lead to death of these plants, resulting in further issues for council such as dune instability, blowouts and the need to stabilise these areas through costly works”.

10. The plan will have negative environmental impacts

Banksia integrifolia (the tall *Banksia* commonly found in foreshore reserves) is an important source of nectar to migrating honeyeaters and to threatened species such as eastern pygmy possums—known to occur in Vincentia. In fact, protecting sources of nectar is a key recovery action for this species¹⁰. Gang-gang cockatoos have been known to feed on *Banksia* in this reserve, as have yellow-tailed black cockatoos. These animals are part of what makes life in the Shoalhaven so rewarding and we need to make sure human activities don’t come at the cost of our incredible natural environment.

11. The plan’s expensive and ratepayers will foot the bill

SCC has budgeted \$120,000 to undertake the vegetation works. It is not clear as to whether this will be a recurring budget, but intensive management will be required to maintain vegetation at one metre. SCC admits that the plans are costly in the consultation documents and, given SCC’s recent budget did not balance, this is a reckless use of ratepayer funds. Ratepayer funds should be used to fund activities that are in the public good—like replacing trees that are removed to retain the character of villages and maintain property values—rather than those that are contrary to sound public policy. Furthermore, the spending of ratepayer money will in this instance increase the exposure of ratepayers to future liability as both public and private assets are at risk of damage.

12. We should learn the lessons of history

Plaques along Collingwood Beach show the result of reckless vegetation removal in the 1970s and the importance of intact dune vegetation in preventing wind-blown sand and stabilising dunes. We should learn from these examples, not let history repeat itself.

13. The plan is disrespectful to volunteers

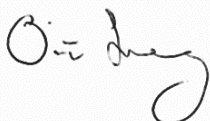
Bushcare, Landcare and Coastcare groups perform thousands of hours of unpaid work every year in the Shoalhaven aimed at restoring the environment via planting and weeding. In fact, the Collingwood Beach restoration in the 1970s was largely voluntary. The proposals by SCC indicate that volunteers cannot be confident of support from SCC, and that council may at some point in future decide to undo their work. This will discourage volunteerism in the Shoalhaven and lower morale among volunteers.

14. The plans are potentially illegal

SCB considers that, if implemented, this plan would be questionable legally. As outlined in Section 4, we are of the view that the plan is contrary to SCC’s own LEP and policy positions. In addition though, the proposals appear to contradict the objectives of the *Coastal Management Act 2016* (a view shared by the Office of Environment and Heritage) and the *Crown Land Act 1989*. We urge SCC to seek legal advice on whether the proposals are vulnerable to legal challenge and to release that legal advice with the consultation report.

Save Collingwood Beach appreciates the opportunity to comment on the proposals, and we are willing to discuss any aspect of our submissions.

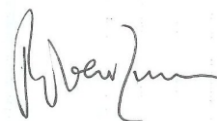
Yours sincerely,



Dr Oisín Sweeney, Chair, Jervis Bay Regional Alliance
T: 0431 251 194
E: oisinatjb@gmail.com



Mr Mark Corrigan, Vice President, Vincentia Matters
T: 0417 058 012
E: mark.corrigan@live.com



Mr Rob Dunn, President, BirdLife Shoalhaven
T: 0438 250 600
E: robarb@bigpond.com

¹⁰<http://www.environment.nsw.gov.au/savingourspeciesapp/project.aspx?ProfileID=10155>

